



**THE ATTORNEY GENERAL
OF TEXAS**

July 30, 1990

**JIM MATTOX
ATTORNEY GENERAL**

Honorable D. C. Jim Dozier
County Attorney
Montgomery County Courthouse
Conroe, Texas 77301

LO-90-49

Dear Mr. Dozier:

You ask whether a county commissioner may have a precinct employee designated to "assist" the county purchasing agent "while remaining an employee under the supervision" of the county commissioner.

Section 262.011 of the Local Government Code provides for the appointment of a county purchasing agent in counties with a population of 74,000 or more. Subsection (d) of section 262.011 provides that a person other than the county purchasing agent may not purchase supplies. Subsection (e) charges the county purchasing agent with the responsibility of supervising all purchases made on a competitive bid.

Subsection (1) provides the county purchasing agent may have assistants. Attorney General Opinion H-619 (1975) states that assistant purchasing agents "merely aid the purchasing agent in the performance of his duties, and therefore do not act in their own right." We conclude, therefore, that assistants to the purchasing agent must be subject to the supervision of the purchasing agent.

Very truly yours,

A handwritten signature in cursive script that reads "Tom G. Davis".

Tom G. Davis
Assistant Attorney General
Opinion Committee

APPROVED: Rick Gilpin, Chairman
Opinion Committee

Sarah Woelk, Chief
Letter Opinion Section

RG/KG/SW/mc

Ref.: RQ-1980
ID# 9256